AMENDMENTS TO THE CLAIMS:

1. (Currently Amended) A content recording apparatus, comprising:

a designator for designating in the order from a reference data file a plurality of data files;

a data writer for writing content data into the data file designated by said designator;

an information writer for writing into a non-volatile storing area file information that identifies the data file designated by said designator at each time that a designation of said designator is updated, wherein said reference data file is a data file specified by the latest file information stored in said non-volatile storing area;

a marker writer for writing a marker into said non-volatile storing area at a time of ending a writing operation by said data writer;

a determiner for determining whether or not said marker exists in said non-volatile storing area before starting the writing operation by said data writer;

a detector for detecting a data discontinued point from said reference data file when a determination result of said determiner is negative; and

a determiner for determining a writing starting location on said reference data file based on the data discontinued point detected by said detector.

2. (Cancelled)

3. (Currently Amended) A content recording apparatus according to claim 1 ~~2~~, wherein said content data includes moving image data having a plurality of frames of an image, and index data that manages each of said plurality of frames, and each of said plurality of data files includes a moving image file that stores said moving image data, and an index file that stores said index data.

4. (Original) A content recording apparatus according to claim 3, wherein said index data includes time information indicating a time at which each of said plurality of frames of an image has been obtained, and said detector detects said data discontinued point based on said time information.

5. (Currently Amended) A content recording apparatus according to claim 1 ~~2~~, wherein said plurality of frames of an image include a first encoded image to which an intra-encoding is applied, and a second encoded image to which an inter-encoding is applied, and said determiner determines as said writing starting location a location that precedes said data discontinued point and in which said first encoded image exists.

6. (Original) A content recording apparatus according to claim 5, further comprising a buffer for temporarily holding said content data prior to the writing operation by said data writer, wherein said determiner determines said writing starting location taking into consideration a capacity of said buffer.

7. (Original) A content recording apparatus according to claim 1, wherein said plurality of data files have the same capacity to each other.

8. (Currently Amended) A content recording method, comprising the steps of:

(a) designating in the order from a reference data file each of a plurality of data files each of which has a predetermined capacity;

(b) writing content data into the data file designated by said step (a);

(c) writing into a non-volatile storing area file information that identifies the data file designated by said step (a) at each time that a designation of said step (a) is updated, wherein said reference data file is a data file specified by the latest file information stored in said non-volatile storing area;

(d) writing a marker into said non-volatile storing area at a time of ending a writing operation by said step (b);

(e) determining whether or not said marker exists in said non-volatile storing area before starting the writing operation by said step (b);

(f) detecting a data discontinued point from said reference data file when a determination result of said step (e) is negative; and

(g) determining a writing starting location on said reference data file based on the data discontinued point detected by said step (f).

9. (Currently Amended) A content recording apparatus, comprising:

a recorder for recording into a ~~recording~~ data file within a recording medium content data formed of a plurality of partial contents;

a creator for creating within a reference data file index data including location information indicating a location of each of said plurality of partial contents, and time information indicating a time at which each of said plurality of partial contents has been obtained;

a detector for detecting a temporal discontinuing point of said index data based on said time information before a recording operation by said recorder is started; and

a first determiner for determining a location of starting recording said content data based on the temporal discontinuing point detected by said detector.

10. (Original) A content recording apparatus according to claim 9, further comprising:

a marker writer for writing a marker into a non-volatile storing area at a time of ending a recording operation by said recorder; and

a determiner for determining whether or not said marker exists in said non-volatile storing area when a power is input, wherein said detector detects said temporal discontinuing point when a determination result of said determiner is negative.

11. (Original) A content recording apparatus according to claim 10, further comprising:

an information writer for writing into said non-volatile storing area location information indicating an ending location of said recording operation; and

a second determiner for determining a location for starting recording said content data based on the location information written in said non-volatile storing area when the determination result of said determiner is affirmative.

12. (Original) A content recording apparatus according to claim 9, wherein said content data is moving image data having a plurality of frames of an image, each of said plurality of partial contents includes one of a first encoded image to which an intra-encoding is applied, and a second encoded image to which an inter-encoding is applied, and said first determiner determines as a recording starting location a head of the partial content including said first encoded image recorded in said recording medium.

13. (Original) A content recording apparatus according to claim 9, wherein a plurality of data files are formed in said recording medium, and said recorder sequentially records said content data into said plurality of data files.

14. (Currently Amended) A content recording method, comprising the steps of:

(a) recording into a ~~recording~~ data file within a recording medium content data formed of a plurality of partial contents;

(b) creating within a reference data file index data including location information indicating a location of each of said plurality of partial contents, and time information indicating a time at which each of said plurality of partial contents has been obtained;

(c) detecting a temporal discontinuing point of said index data based on said time information before a recording operation of said step (a) is started; and

(d) determining a location of starting recording said content data based on the temporal discontinuing point detected in said step (c).

15. (Previously Presented) A content recording apparatus, comprising:

a recorder which cyclically records content data being encoded on a recording medium;

a producer ~~with~~ which in parallel with a recording of the content data by said recorder and cyclically produces on said recording medium index data having information for referring said content data and time information;

a recording state information ~~holder~~ file which holds state information that represents two states of a recording state and a record suspended state, when the recording of the content data is started in response to a record starting instruction, said recording state being established, and when the recording of the content data is suspended in response to a record suspending instruction, said record suspended state being established;

a writing location memory which stores a writing location at a time that the recording is suspended by said record suspending instruction;

a detector which detects a temporal discontinued point by scanning said index data if said state information is said recording state after a power is turned on;

a first setter which sets a first record starting location at a location corresponding to said temporal discontinued point on the basis of index data of said temporal discontinued point if said temporal discontinued point is detected by said detector;

a first record starter which starts the recording of the content from said first record starting location;

a second setter which sets a second record starting location at a location corresponding to said writing location if said state information is said recording state after a power is turned on; and

a second record starter which starts the recording of the content from said second record starting location in response to said record starting instruction.

16. (Previously Presented) A content recording apparatus according to claim 15, wherein said content data includes at least an intra-encoded image obtained through an intra-encoding, and said first setter sets a location of the intra-encoded image included in an image group in which said temporal discontinued point is belonging as said first record starting location if an image corresponding to said temporal discontinued point is not the intra-encoded image.